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6 Attorneys for Defendants FUJIFILM Medical Systems U.S.A.,  
7 Inc., a New York corporation; FUJIFILM Corporation, a  
8 Japanese Corporation; and GE HEALTHCARE INC.,  
a Delaware corporation.

9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11  
12 ANTICANCER, INC., a California corporation,

13 Plaintiff and Counterclaim  
14 Defendant,

15 v.

16 FUJIFILM MEDICAL SYSTEMS U.S.A., INC.,  
d/b/a FUJIFILM LIFE SCIENCE, a New York  
17 corporation; FUJIFILM CORPORATION, a  
Japanese Corporation; GE HEALTHCARE INC.,  
a Delaware corporation; and DOES 1-100,

18 Defendants.  
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Case No. 09-CV-1311-WQH (JMA)

**FUJIFILM MEDICAL SYSTEMS  
U.S.A., INC., FUJIFILM  
CORPORATION, AND GE  
HEALTHCARE INC.'S NOTICE OF  
MOTION AND MOTION TO STRIKE  
ANTICANCER, INC.'S SECOND  
AMENDED COMPLAINT**

Judge: Honorable William Q. Hayes  
Courtroom: 4  
Date: January 11, 2010  
Time: 11:00 A.M.

**NO ORAL ARGUMENT UNLESS  
REQUESTED BY THE COURT**

1 TO PLAINTIFF ANTICANCER, INC., AND ITS ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on January 11, 2010, at 11:00 A.M. or as soon thereafter as  
 3 may be heard in Courtroom 4 of the United States District Court for the Southern District of  
 4 California, located at the Edward J. Schwartz U.S. Courthouse, 940 Front Street, San Diego,  
 5 California 92101-8900, Defendants FUJIFILM Medical Systems U.S.A., Inc., FUJIFILM  
 6 Corporation, and GE Healthcare Inc. (collectively, "Defendants") will and hereby do move to  
 7 strike Plaintiff AntiCancer, Inc.'s Second Amended Complaint for Damages and Preliminary and  
 8 Permanent Injunctions for Infringement of U.S. Patents Nos. 6,251,384, 6,649,159, and 6,759,038  
 9 in the above-titled case. The Defendants make this motion pursuant to Federal Rules of Civil  
 10 Procedure 12(f) and 15(a) on the ground that Anticancer, having already amended its Complaint  
 11 once as a matter of right, was not entitled to file the purported Second Amended Complaint  
 12 without obtaining leave of Court or consent of the Defendants. Accordingly, because the Second  
 13 Amended Complaint was impermissibly filed, it is without legal effect and should be stricken.

14 This motion is based on this Notice and the attached Memorandum of Points and  
 15 Authorities.

16 Dated: December 2, 2009

17 Respectfully submitted,

18 Orrick, Herrington & Sutcliffe LLP

19 /s/ William H. Wright

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